

DATE: 5/17/04
TIME: 10:19 p.m.
ACTIVITY: Home Telephone 1 incoming from (760) 772-8535
CALL#: 995

SPEAKERS:
LEVINE: Stuart Levine
BECK: Tom Beck

* * * *

1 LEVINE Hi Tom.
2 BECK Hello.
3 LEVINE I'm gonna go change phones. Hold on.
4 BECK Okay.
5 (PAUSE)
6 LEVINE Hi there.
7 BECK Yeah.
8 LEVINE I didn't get home until about 9 o'clock
9 and that's when I saw the letter. I
10 don't know if you, you...
11 BECK I got it.
12 LEVINE Did uh, in the mail?
13 BECK Uh, I got one, well she addressed one to
14 me separately.
15 LEVINE Yeah she addressed one to me separately
16 too.
17 BECK Yeah.
18 LEVINE Uh, and, and, no I'm talkin' about the
19 new letter just...
20 BECK Yeah.
21 LEVINE Oh okay. You know I um, I went over the
22 letter uh, a few times I wanna give you

1 my impression of it. I also uh, uh,
2 went over with my, with my lawyer 'cause
3 I wanted uh, certain questions about the
4 Open Meetings Act.

5 BECK Yeah.

6 LEVINE And first um, uh, if um, my memory
7 serves me right uh, uh, you, you came up
8 to me and said, you know I don't wanna
9 embarrass anything but it's really wrong
10 that Board members don't vote in general
11 and I don't wanna embarrass anybody and
12 I said you know what let me go ask 'em
13 just over there if he's gonna vote. And
14 uh, that of course is uh, is what I did
15 and that's the subject matter of the
16 conversation.

17 BECK Mm hm.

18 LEVINE Um, the um, when I said to her after,
19 when she came up 'cause actually she
20 tried to be uh, helpful when she talked
21 about uh, you know the Board can in its
22 discretion and all that. When I said
23 that I was just being a good soldier
24 there I was too 'cause I, I uh, I was
25 talkin' about uh, uh, aiding the
26 Chairman in, in uh saying the Board
27 members should vote.

28 BECK Mm hm.

29 LEVINE I've never received an ex parte
30 communication. Uh, and you know that's,
31 and that's that, but I will say this is,
32 this is a bit of cover your ass letter.

33 BECK Yeah.

34 LEVINE I think that she feels and by the way
35 about uh, this um, when communicating
36 before discussion in commence this
37 application would have to be approved at
38 the meeting. Well, if it wasn't for
39 that meeting they would have no, I mean
40 that, that's obvious...if it wasn't

1 approved this meeting.

2 BECK Right.

3 LEVINE And that we're gonna get creamed. Uh, I
4 would uh, I would, I would uh, I, did
5 you say that by the way?

6 BECK I don't think. I don't remember ever
7 saying the word "creamed."

8 LEVINE No but, but you think it could'a
9 someone, but at any rate as, as to that
10 I would think that uh, as you said uh,
11 that uh, if it's gonna be approved it
12 has to be approved at this meeting and
13 if it's approved because it's, because
14 of all the negative findings people will
15 be upset but we're changin' the rules.

16 BECK Mm hm.

17 LEVINE That, that's my, my attitude about this.

18 BECK Well you know the rules, we've been
19 mandated by the legislature that changed
20 the rule.

21 LEVINE That's right and we can't hold up...

22 BECK Everybody knows that they're wrong.

23 LEVINE That's right, right. But I'm talkin'
24 about the statements about getting
25 creamed I'm just, I'm just tryin' to uh,
26 to uh,...

27 BECK She's our (UI).

28 LEVINE Yeah. Now, no, but I think this is
29 nothing more than cov...,but I will tell
30 you this, I think it may be advisable
31 to, to let her have her executive
32 session beforehand and, and lecture the
33 Board again about the Opening Meetings
34 Act and all this kind of stuff so that
35 uh, uh, uh, what do you think? I mean
36 given this...

1 BECK I don't know the problem is when we get
2 there at 9 o'clock there's gonna be a
3 hundred people sittin' in there.

4 LEVINE Mm hm.

5 BECK We're gonna have to tell them all to
6 leave so we can go in executive session.

7 LEVINE Mm hm.

8 BECK That's the (UI).

9 LEVINE Well you know what why, why, why don't
10 you ask her uh, if we could do it in a
11 way that won't interfere with the, with
12 all those people like that.

13 BECK Yeah.

14 LEVINE Maybe after the first day, we're not
15 dealing with the hospitals on the first
16 day. We could do it after the, after
17 the applicants are gone.

18 BECK Yeah.

19 LEVINE Somethin' like that. But I think that
20 maybe uh, given this letter will be good
21 for uh, you and I to say, you know for,
22 for you not try to uh, you know just
23 tell her you know, no. You know what I
24 mean?

25 BECK She told me before the meeting that the
26 uh, I asked her I said uh, I said it
27 appears to me that this is gonna get
28 approved.

29 LEVINE Aaahhhh.

30 BECK And I said does uh, the applicant have
31 the opportunity to defer this anymore,
32 and she said yes they have the
33 opportunity to defer it un-, un-, up
34 until you stop the vote.

35 LEVINE Mm hm.

1 BECK So I mean they could've, you know all I
2 wanted to do, I didn't want 'em to defer
3 it.

4 LEVINE Well yeah but I, but I,...

5 BECK If they were gonna defer it they could
6 have deferred it.

7 LEVINE Yeah, but I don't think, I don't think
8 that uh, you never talked to me about
9 uh, that, about...

10 BECK No.

11 LEVINE Yeah. Uh, because that probably would
12 have been uh, uh, a problem. But you
13 never talked to me about uh, uh, about
14 that aspect.

15 BECK No.

16 LEVINE Uh, so um, uh, uh,...

17 BECK I, I talked to you about I didn't want,
18 I could understand the new member
19 wanting to pass.

20 LEVINE Yeah but, yeah.

21 BECK But a member that's been there.

22 LEVINE Yeah well and, but, but I suppose, you
23 know but you don't wanna embarrass him
24 publicly and...

25 BECK Yeah.

26 LEVINE I said well you know what I think that
27 you're right. Why don't you just go let
28 me go up and ask him are you gonna vote
29 or not.

30 BECK Yeah.

31 LEVINE And that's the whole thing.

32 BECK Yeah.

1 LEVINE Um, and but this is kind of a cover your
2 ass letter but I think...I'm, I'm gonna
3 call her and uh, reiterate what I've uh,
4 just said.

5 BECK Yeah.

6 LEVINE And um, uh, um, the same I'm sure for
7 Imad.

8 BECK Yep.

9 LEVINE Uh, and uh, and uh, and uh, that's uh,
10 that's that.

11 BECK Mm hm.

12 LEVINE You know what but here's an interesting
13 thing Tom that I really, of course this
14 would be solved if Jeff was in charge.
15 You may wanna discuss the Planning Board
16 Staff current problems with the
17 transcript and how is it that a draft
18 transcript was released.

19 BECK I, I, I asked that of Jeff already.

20 LEVINE Oh really.

21 BECK Jeff didn't know anything about it.

22 LEVINE Well I'm glad that she asked that also.
23 Let her, let her find out. I'm gonna
24 tell her I don't know what this is
25 about. I said you oughta find out uh,
26 uh, uh, but um, uh,...

27 BECK Staff doesn't report to me.

28 LEVINE No, no, I'm saying but I'm gonna say to
29 her that she oughta find out.

30 BECK Yeah.

31 LEVINE What, what this is that's, you know
32 that's uh, that, that's uh, I wonder who
33 it was? Maybe Carvalho?

1 BECK I have, I have no idea.

2 LEVINE No.

3 BECK I really don't.

4 LEVINE Uh, but at any rate I, I just thought, I
5 didn't know whether or not uh, you had
6 you know gotten it in the, in the mail
7 yet and I had just gotten it. And I,
8 and I thought it was a good idea that I
9 just uh, wanted to refresh, refresh my
10 recollection in that regard.

11 BECK Yeah that was what...

12 LEVINE Yeah.

13 BECK Was discussed.

14 LEVINE It, it is always a pleasure. (chuckles)

15 BECK (chuckles) This isn't gettin' to be fun.

16 LEVINE Well you know what uh, what uh, well
17 all, the, the whole hospital thing I
18 mean until it's, until it's uh, uh,
19 until it's uh, uh, over is gonna be uh,
20 uh, this is a very unusual thing with
21 all these ho-, hospital applications.

22 BECK Oh yeah.

23 LEVINE So I don't think, you know most things
24 are not uh, uh, uh, and once, once
25 Jeff's in control with staff reporting
26 to him.

27 BECK Mm hm.

28 LEVINE I mean it'd be a helluva lot different.

29 BECK Oh yeah.

30 LEVINE I saw Tony and he told me that's that
31 being done.

32 BECK Yeah.

1 LEVINE Well we'll see.

2 BECK That's, that's right.

3 LEVINE We'll see.

4 BECK We will but uh, as I say it isn't any,
5 it isn't fun I'll tell you what
6 these,...

7 LEVINE No.

8 BECK These people they're...

9 LEVINE No. Which, which people you talkin'
10 about internally?

11 BECK Yeah.

12 LEVINE Assholes.

13 BECK Yeah.

14 LEVINE Absolute assholes. How 'bout not
15 sending Jeff...when I, I, I assumed the
16 first letter, I assumed that you got
17 your copy so I, I just wanted to ask
18 Jeff, you know if, if he knew anything
19 about the thing. I didn't know that he
20 never got a copy of it. I was stunned
21 those as...how could they do that. And
22 how could you and not tell the Executive
23 Director.

24 BECK Yeah.

25 LEVINE What is that about? (UI).

26 BECK I, I don't know what they're doin'.

27 LEVINE Yeah.

28 BECK And she had to talk to Carvalho too to
29 bring up that, the negatives and
30 everything else. For what? I don't
31 care how many negatives there are...
32

33 LEVINE Right.

1 BECK It's our decision to make.

2 LEVINE Right.

3 BECK That's why (UI).

4 LEVINE Well Ann was helpful in that regard.
5 She said she supported me on what I
6 said.

7 BECK Oh yeah?

8 LEVINE You know, you know she did it for the
9 record. She said it's true that, that
10 the Board uh, uh, does not have to uh,
11 can, can vote uh, in contrary to staff
12 recommendations.

13 BECK Mm hm.

14 LEVINE Board has discretion.

15 BECK Oh yeah.

16 LEVINE Um, but anyway but I'm gonna talk to uh,
17 I'm gonna, I'm gonna make Tony aware of
18 this just so he's uh, aware of it
19 because uh, uh, the Governor's
20 counsel...that, that, or maybe I should
21 just leave it alone.

22 BECK I don't know what...

23 LEVINE Mm hm.

24 BECK Tony's gotta do somethin' and...

25 LEVINE Yeah I, I think I show, show it to him
26 and uh, and uh, let the uh, Counsel to
27 the uh, the Governor who is copied on
28 this.

29 BECK Yeah.

30 LEVINE Uh, I think she was copied on it. Maybe
31 she only copied...

32 BECK Yeah, she was copied on one of 'em.

1 LEVINE On one of the first one. Uh, uh, just
2 to, to uh, to uh, to make sure that uh,
3 that uh, she's tryin' to be helpful
4 here.

5 BECK Mm hm. Yeah, I don't know if they're
6 tryin' to be helpful or not.

7 LEVINE Well this is definitely a cover your ass
8 letter from her regard.

9 BECK Mm hm.

10 LEVINE Um, uh, but um, which is fine. But I,
11 I'm gonna call her uh, in the morning
12 and uh, and uh, uh, tell her what was
13 said so she's (UI) in the dark.

14 BECK Yeah.

15 LEVINE Okay.

16 BECK Okay.

17 LEVINE Thanks Tom.

18 BECK Bye.

19 LEVINE Bye.